

cc: Bace; Orjiako; Schroader; Wiser;
Cindy Holly; Record

Chair Boldt and Clark County Board of County Councilors
PO Box 5000
Vancouver, Washington 98666-5000

June 20, 2017

RE: Support for continuation- Interim Ordinance on Land Divisions on Rural & Resource Lands

Dear Chair Boldt and Councilors:

As a small family farmer concerned about the long term viability of farming in Clark County, I was dismayed at the adoption of the 2016 Rural Comp Plan which eliminated AG-20 zoning. However I was heartened, following the GMHB decision that you passed an emergency amendment that would put a temporary stop to land divisions on resource and rural buffer lands. Thank you for leadership in adopting the limited, short term pre-application and application moratorium on AG-10 and FR-20 land divisions and Rural rezones.

I urge you to continue this ordinance until the Growth Management Hearings Board decides whether the County's actions meet the applicable standards to comply with their March 23, 2017 decision.

There are many compelling reasons to continue the ordinance including the following:

- The temporary ordinance only applies to comprehensive plan and zoning amendments that the GMHB found and concluded violated the GMA.
- This part GMHB decision was never appealed by any party and there is no possibility that these provisions will ever be found to comply with state law.
- The GMHB has directed Clark County to come into compliance with GMA.
- The 2016 Comp plan has allowed for application to subdivide resource and rural lands at an alarming rate with many applications already vested. Further divisions of resource lands undermine their long term economic viability.
- Maintaining the limited and short-term moratorium reduces legal risks to Clark County of possible remediation for the adverse impacts of additional developments that vest to the illegal provisions.
- The GMHB has not determined that the County's 2016 Plan Update is invalid, as it relates to Agriculture, Forest and Rural lands, but may do so in the future.

And finally to quote directly from the ordinance - ...*WHEREAS, the Board finds that it would be in the best public interest of Clark County to come into compliance with GMA on these matters, and therefore, also to continue the effectiveness of Ordinance 2017-04-14 until an ordinance to achieve compliance can go into effect;*...

Thank you for your consideration.

Best regards,



Sue Marshall, Co-Owner Bours Corner Farm
4316 NW 169th St., Ridgefield, Washington 98642

Ref. Document



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COMMUNITY PLANNING

STAFF REPORT

TO: Board of County Councilors

FROM: Oliver Orjiako, Director

DATE: June 20, 2017

SUBJECT: Limited Moratorium, Ordinance 2017-04-14

The Comprehensive Growth Management Plan 2015-2035 was adopted by the Board of County Councilors (Board) on June 28, 2016, and the update took effect on July 8, 2016. The plan was appealed to the Growth Management Hearings Board (GMHB) by Futurewise and the Friends of Clark County and by Clark County Citizens United. The GMHB heard the parties' oral arguments on 24 issues at its hearing on February 8, 2017.

The GMHB issued its final decision and order (FDO) on March 23, 2017. One of the rulings of the GMHB was that the County had violated the Growth Management Act by changing AG-20 zoning to AG-10, and FR-40 zoning to FR-20. The GMHB also ruled that the County's change from three Rural designations (R-5, R-10, R-20) to one Rural designation with three zones had not complied with the law. The GMHB ordered the County to come into compliance.

After reviewing the FDO, the Board decided not to appeal this ruling. As a step toward compliance, the Board, on April 25, 2017, adopted a limited moratorium (Ordinance 2017-04-14) prohibiting the filing or acceptance of applications or pre-applications to divide lands in the AG-10, FR-20, R-20 or R-10 districts, except to the extent that the division would have been permissible under the prior comprehensive plan and code. Zone changes from R-20 or R-10 to districts with smaller lot sizes are also prohibited. Vested or contingently vested applications or pre-applications are not affected by the limited moratorium.

The Board adopted the limited moratorium as an immediately effective interim ordinance under RCW 35.63.200 and the County Charter, at a public meeting, and must readopt it in a public hearing by June 24, to prevent its expiration. The purpose of this hearing is for the Board to take testimony on the limited moratorium.